

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

JASON SWINDLER,

Petitioner,

v.

CIVIL ACTION NO. 2:21-cv-00668

WARDEN,

Respondent.

ORDER

Pending before the Court is Petitioner Jason Swindler's letter-form Petition Under 28 U.S.C. §2254 for Writ of *Habeas Corpus* By a Person in State Custody. (ECF No. 1.) By standing order entered on January 4, 2016, and filed in this case on December 27, 2021, (ECF No. 4), this action was referred to United States Magistrate Judge Omar J. Aboulhosen for submission of proposed findings and a recommendation for disposition ("PF&R"). Magistrate Judge Aboulhosen entered his PF&R on January 12, 2022, recommending this Court dismiss without prejudice Petitioner's letter-form Petition, and remove this matter from the Court's docket. (ECF No. 6.)

This Court is not required to review, *de novo* or under any other standard, factual or legal conclusions contained within the PF&R to which no objections were addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes waiver of *de novo* review and Petitioner's right to appeal this Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th

Cir. 1984). In addition, this Court need not conduct a *de novo* review when a party “makes general and conclusory objections that do not direct the Court to a specific error in the magistrate’s proposed findings and recommendations.” *Orpiano v. Johnson*, 687 F.2d 44, 47 (4th Cir. 1982).

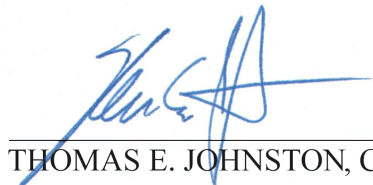
Objections to the PF&R in this case were due on January 31, 2022. To date, Petitioner has failed to submit any objection in response to the PF&R, thus constituting a waiver of *de novo* review and Petitioner’s right to appeal this Court’s order.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 6), and **DISMISSES** Petitioner’s letter-form Petition Under 28 U.S.C. §2254 for Writ of *Habeas Corpus* By a Person in State Custody, (ECF No. 1), **WITHOUT PREJUDICE**. The Court further **DIRECTS** the Clerk to remove this matter from the Court’s docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: February 2, 2022

A handwritten signature in blue ink, appearing to read "Th. Johnston", is written over a horizontal line.

THOMAS E. JOHNSTON, CHIEF JUDGE